



**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE
CALIFORNIA**

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Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the Low Income Energy
Efficiency Programs of California's Energy Utilities.

Rulemaking 07-01-042

Southern California Edison Company's (U 338-E)
Application for Approval of SCE's "Change a Light,
Change the World," Compact Fluorescent Lamp Program.

Application 07-05-010

**The Joint Opening Comments of
the Association of California Community and Energy Services and A W.I.S.H on Natural
Gas Testing Issues and Issues Raised in the KEMA Report**

On September 14, 2007, the ALJ Malcolm issued a "Ruling Seeking Responses to Questions on Furnace Programs and Natural Gas Appliance Testing," and on September 27, issued a "Ruling Seeking Comments on Issues Raised in the KEMA Report and on Natural Gas Appliance Testing Issues." On October 3 she granted the joint motion of the Association of California Community and Energy Services (ACCES) and A World Institute for a Sustainable Humanity (A W.I.S.H.) and issued a ruling for parties to respond to issues and questions the September 14 and September 27 rulings by today's date.

Overview

Our answers to the questions posed in these rulings are framed around our LIEE experience and several important trends illustrated by the KEMA report:

- There is significant untapped potential for LIEE program services
- Failing to spend budgeted LIEE amounts, utilities have had large LIEE carryover amounts the past several years
- About two thirds of California' low income population are renters but renters are not eligible to receive the same benefits as homeowners.
- There are significant non-energy LIEE benefits, including
 - Health, safety, and comfort.
 - The enactment of AB 23 which created Chapter 488, Statutes of 2006, "An act to add Division 25.5 (commencing with Section 38500) to the Health and Safety

Code, relating to air pollution creates an additional justification for the LIEE program.

Additional Reasons for the LIEE program: Greenhouse Gas Emission Reduction

Pub. Util. Code § 2790(a) directs the Commission to consider "both the cost effectiveness of the services and the policy of reducing the hardships facing low-income households" in designing LIEE programs. The Commission has articulated its approach to implementing this statutory requirement, as follows:

- “The LIEE program serves an equity objective in assisting customers who are highly unlikely or unable to participate in other residential programs and therefore the program is not subject to strict cost-effectiveness requirements. At the same time, the Commission should promote the consideration of cost-efficiency in the provision of these services.”
- “Accordingly, the LIEE program should be examined from two different perspectives, with some weighing and judgment applied to the results in selecting eligible measures or in evaluating overall program effectiveness.”
- "The first perspective is that of the low-income customer, in terms of reducing hardship. This includes bill savings, as well as non-energy benefits that the program or measure provides to the recipient.”
- “The second perspective is that of customers who directly subsidize the program costs through their rates, i.e., non-participating customers. We therefore need to also evaluate the LIEE program and individual measures from a cost-efficiency perspective, in terms of the resource required to provide services to low-income customers. “ (See D.02-08-034, mimeo., pp. 11-12).

With the enactment of AB 23 which created Chapter 488, Statutes of 2006, "An act to add Division 25.5 (commencing with Section 38500) to the Health and Safety Code, relating to air pollution, the legislature and governor have identified greenhouse gas emissions reduction as a statewide goal. The LIEE programs will contribute to that effort program and measures and eligibility should be viewed in light of this new legislatively mandated statewide effort.

I. Furnace Programs and Natural Gas Appliance Testing (NGAT)

What are the specific challenges associated with the current NGAT process?

The challenge is to find a way to deliver “all feasible measures,” including furnace and water heater repair and replacement, to all LIEE eligible households consistent with any valid, convincing reasons to conduct NGAT. It is not the NGAT with which we have a problem; it is the limitations on what can be done to correct the problems discovered during NGAT. In

addition, the Commission should reexamine the reasons for declaring renters ineligible for water heater and furnace repair and replacement.

It is important remember what the Commission said about NGAT in D.03-11-020:

“...the empirical evidence does not clearly indicate that installing infiltration-reduction measures will increase CO levels in the home. Since this is the major hypothesis underlying the policy for testing CO levels in LIEE-eligible homes, the results of the NGAT study call into question whether such testing is necessary at all.” (p. 53).

While the Commission’s decision questions the *benefits* of NGAT (but decided to require it anyway), our experience in the LIEE program clearly demonstrates the *costs* of current NGAT procedures which cause many homes:

1. to receive only partial LIEE services, which
2. if they receive non-infiltration measures and if NGAT problems are not corrected, render the homes ineligible for LIEE services for ten years, and
3. sometimes require that we leave low income homes with a hazardous condition (a circumstance which causes LIEE contractors concern about potential liability).

Given these very real costs, the Commission should reexamine the three reasons it gave for continuing NGAT:

“Nonetheless, we agree with the [Standardization] Team that some type of CO testing is warranted for the LIEE program for the following reasons:”

1. “Some homes covered by the NGAT survey were measured to have ambient CO levels above at least some of the current standards and thresholds.”
2. “The LIEE Program is unique in that it entails the provision of a comprehensive set of energy-efficiency measures spanning both building envelope infiltration reduction and appliance repair and replacement. Given this comprehensive treatment, the potential for adversely affecting CO levels is greater than in other programs.”
3. “Low-income households are generally less financially capable of maintaining their natural gas appliances, and may be less likely to know that gas appliance testing and services are available at no cost from their local gas utility.” (pages 53, 54)

Reasons # 1 and #2 appear to contradict the Commission’s finding “the empirical evidence does not clearly indicate that installing infiltration-reduction measures will increase CO levels in the home.” And #3 implies that a major justification for NGAT could be eliminated if low income customers were simply informed of free appliance testing services available to them.

These do not seem to be especially compelling reasons for NGAT considering the costs for homes which fail. But it is not the NGAT with which we have a problem, it is the limitations on what can be done to correct the problems we discover during NGAT.

The current NGAT process does not allow LIEE contractors to correct all the hazardous conditions they find in LIEE eligible homes. The menu of repairs does not address all the options to fix the problems. Instead, LIEE policies and procedures require LIEE contractors to install water measures and leave the home with a hazardous condition, a circumstance which causes LIEE contractors concern about potential liability.

How are low income customers affected by the current NGAT process?

If a home suffers an NGAT failure, it is not able to receive infiltration measures and is not eligible for repair or replacement of furnace and water heaters. If homes receive non-infiltration measures and NGAT problems are not corrected, they are ineligible for further LIEE services for ten years and may be left with a hazardous condition.

How can the utilities improve the current NGAT process?

Allow the contractors the ability to correct the problem, even if that means replacing, relocating and or downsizing the furnace. If the utilities do not want to spend the money, then they should grandfather these homes into the program, that is, declare that homes with furnaces correctly installed to an earlier code are eligible for full LIEE services.

In that regard, what, if anything would the Commission need to order the utilities to do?

Direct the utilities to fix the problems in these homes or stop doing a pre-NGAT test. Allow renters to be eligible for water heater and furnace repair and replacement.

How would each utility program modification affect customer bills, reduce energy use, or address customer health, safety and comfort?

Receiving full weatherization services would help customers reduce energy burden. Fixing the hazardous condition in their home should be the number one priority for health and safety reasons. Being able to fix their furnace and water heater for both home owners and renters would promote their comfort, health and safety and contribute to greenhouse gas emission reduction.

Questions directed at utilities

We will provide answers to two of the following four questions because, since LIEE contractors are not required to provide information to utilities concerning the homes which are denied service for various reasons, utilities may not have complete information on those topics. Our answer on the question concerning NGAT is based on the direct experience of Telacu and Maravilla, and our answer on the question concerning LIHEAP is from several LIHEAP

contractors in the service territories of Pacific Gas and Electric, Southern California Gas Company, and Southern California Edison.

How many residences in your territory received LIEE measures and services during 2006?

n/a

How many of the homes served with LIEE services in 2006 had problems with non-infiltration measures? The purpose of this question is related to non-equipment concerns.

n/a

How many of the homes served with LIEE services in 2006 were denied services due to an NGAT failure? The purpose of this question is to determine which homes had problems with the equipment itself.

Customers who suffer an NGAT failure were denied infiltration measures. We estimate that 15-20% of the customers were not provided with full services. In addition, we estimate about 5% of customers canceled the work once they learned they could not receive full services.

When a house fails an NGAT, how does the utility coordinate with other programs such as LIHEAP?

Generally, utilities do not “coordinate” with the LIHEAP program after an NGAT failure. Nor do we believe it is necessarily appropriate for utility customers whose homes suffer an NGAT failure to be referred the LIHEAP weatherization program. This is because those homes should be served by the LIEE and there should be ways, as described above, to allow LIEE contractors to correct the NGAT problem so that no referral to the LIHEAP is necessary. The LIHEAP program is under-funded and should not receive LIEE referrals when those customers should be served by the LIEE program.

Utilities sometimes refer customers to the LIHEAP weatherization program and call it “leveraging.” In fact, the NGAT workshop notes from June 25 appear to condone an approach where all furnaces and water heaters would be referred to LIHEAP providers. This is not “leveraging.” The federal Low Income Home Energy Assistance Program has a “leveraging incentive program” where states may be awarded additional LIHEAP funds if LIHEAP contractors are successful in developing and/or acquiring leveraged resources from energy vendors (45 CFR 98.87 (d) (2)). Under the federal rules, the leveraged benefits/resources must be distributed to low income households. The fundamental concept is for the LIEE program to contribute to the LIHEAP program which is serving low income utility customers, not the other way around.

An example of “leveraging” are the “leveraging programs” of PG&E and SCE in which the companies use LIEE funds to pay for the purchase and installation of refrigerators and/or

CFLs in LIEE qualified homes which are being served by the LIHEAP contractors in the LIHEAP program. LIHEAP regulations require that LIHEAP contractors spend no more than an average of \$2,885 per home over the period of their contract. Providing refrigerators and CFLs funded by the LIEE program allows LIHEAP contractors to provide more services to an individual home or to serve more homes and still stay within the required \$2,885 average.

II. O'Bannon NGAT Summary and Recommendations

The September 14, 2007 ALJ ruling refers to "June 25 NGAT Follow-up Technical Workshop Notes." Those notes were originally emailed by CPUC staff to parties on June 28. The last sentence in those notes reads, "Items requiring further study will be researched by Dr. James O'Bannon and reported back to the Commission staff." The material researched by Mr. O'Bannon was sent to CPUC staff on August 9 and distributed to parties on September 27, 2007. Mr. O'Bannon's cover letter to Energy Division staff correctly points out that some of the issues discussed in his documents "undoubtedly require additional deliberation and decision by the Commission."

Based on a preliminary review of his "Appendix 1," we agree with many of the recommendations which seek to overcome barriers which prevent households from receiving full LIEE services. But we have some issues or disagreements with the following:

2.1.1 Small homes with insufficient CVA. Some homes have three gas appliance in the living space (furnace, dryer, waterheater) and are rejected for not enough CVA and would be even if the entire dwelling unit is "opened up" with vents or door removal because the home is simply too small to pass the CVA requirement.

2.1.2 Possible Options: The statement that cutting grills in the wall is too difficult is not correct, contractors often cut in grills in the wall.

2.6 Replace a Natural Draft Furnace: If the unit is non-operational and is going to need excessive repair, it would be better to replace the unit and then address the CVA issue.

2.6.1 There is no data available on AFUE ratings on 20-30 year old wall and floor furnaces. Therefore there is no data supporting a cost/savings comparison.

Mr. O'Bannon inappropriately diminishes factors concerning increased safety, saying, "Increased safety is touted as a justification for furnace replacement; however, that is a very small factor." That is a policy judgment more appropriately made by the Commission after input from parties.

III. Questions addressing issues raised by the KEMA report

The KEMA report emphasizes at several points the “significant untapped potential” for low income energy efficiency programs and the “need for more comprehensive energy efficiency measures.” (KEMA, at pages 1-2 & 7-15). At the same time, it documents the high energy burden of low income customers and the high levels of energy insecurity, with 57% of those surveyed having had to cut back on necessities, 49% worrying about paying bills, and 37% having missed paying bills; twenty-eight percent were in crisis and 38% were vulnerable. (KEMA at pages 5-12 & 5-17). At the same time, 72% stated that they were very willing to participate in the LIEE program and 20% were somewhat willing. (at page 5-69).

With only 3-4% of eligible households being reached per year, it is clear that the program needs to be expanded and improved to include all feasible measures if the Commission is going to approach the ambitious AB 32 greenhouse gas reduction objectives that the Legislature has mandated, not to mention meeting the vast extant need of California’s low income population.

The only way for the Commission to meet the “significant untapped potential” and its greenhouse gas reduction goals is to insist on a whole house approach to weatherization. It should use every opportunity to leverage federal and state dollars with LIHEAP providers, coordinate with LIHEAP providers and others to maximize measures installed, and increase the number of houses that are fully weatherized each year.

The goal of reducing greenhouse gases by 25% means that business as usual will not suffice, particularly where one third of Californians are LIEE eligible, with two thirds of those being renters. KEMA, while recognizing energy burden, energy crisis and missed LIEE opportunities, failed to acknowledge the untapped potential of meaningful leveraging with LIHEAP providers. (The NGAT workshop notes from June 25 appear to condone an approach where all furnaces and water heaters would be referred to LIHEAP providers, for example. This is not leveraging, but rather supplanting ratepayer dollars with LIHEAP funds. The Joint Utility Response to September 28, 2007 A W.I.S.H. Comments on the LIEE P & P Manual (dated October 3, 2007) acknowledged: “SDG&E, SoCal Gas and PG&E have met with DCSD...to discuss how we can better leverage. The final outcome of that meeting did not produce any workable leveraging procedures.”)

As with the Rapid Deployment efforts due to California’s energy crisis, the Commission again needs to recognize that meeting AB 32 dictates will require a departure from business as usual and a serious and focused effort to maximize holistic low income energy efficiency efforts. The Commission stated in Decision 01-05-033 at page 5:

“We find that the status quo simply will not serve a rapid deployment strategy....Therefore, we direct utility program administrators to use funding authorized

for LIEE and appliance replacements to leverage the programs provided through DCSD's network of community-based organizations to customers within their service territories."

ACCES and A W.I.S.H. respectfully submit that the global warming crisis deserves an equally ambitious response, with expanded measures, fully leveraged dollars, and new technologies such as solar water heaters for LIEE, which the consultant for the 2005 LIEE Impact Evaluation (September 2007) confirmed might have the greatest savings potential going forward. Akin to 2001, "the status quo simply will not serve."

1. What strategies would achieve higher participation in areas where there do not appear to be any unique challenges to expanding participation?

Allow all customers that are currently on CARE and other programs which require income documentation to be eligible for LIEE services. Cut down on paperwork and information gathered from customers. Direct utilities to develop a single application process in overlapping coverage areas such as the SCG and SCE area.

2. Should the LIEE program target specific types of households, e.g., African-American households or large households? If so, what strategies should the utilities use to target identified households?

We believe all low income customers should have an equal opportunity to receive LIEE benefits, including disabled and language minority and customers with special needs. This requires access to materials in a manner suitable for all customers, including the disabled and language minorities. But we oppose targeting potential LIEE customers based on ethnicity or energy usage or age of the home, as described on pages 3-5 of the 9/27/07 ALJ ruling, and its "Attachment A.". Beside the administrative complexity of that sort of targeting, we are concerned that it would turn out to be an obstacle to providing service to otherwise eligible households. After we found an income eligible household, the utility could say, "sorry, they're just under the energy usage requirement and cannot be served." What would a LIEE contractor do then, walk away from the house? No, the LIEE program should do the opposite, deliver LIEE services to all eligible households that are found.

We also have a serious problem with putting only the most cost-effective measures in a house. The Commission's LIEE program is required to install "all feasible measures" taking into account not only cost effectiveness but hardship, health, safety, comfort and, we suggest, greenhouse gas emission reduction.

KEMA's "targeting" plan seems to rely much on the erroneous assertion "that only certain types of housing need comprehensive energy efficiency measures, that is, those residences

built between 1970 and 1994 which use natural gas for heating and major appliance, have high annual natural gas consumption and above-baseline natural gas consumption during winter, have heating systems that are more than 20 years old, have evaporative coolers, and have configurations for foundation and/or ceiling measures." The housing stock of many areas has a high percentage of much older homes.

Again, the LIEE program is required to install "all feasible measures" taking into account not only cost effectiveness but hardship, health, safety, comfort and, we suggest, greenhouse gas emission reduction.

3. Should the LIEE program target households in specific geographic areas (remote areas, densely populated areas, hot climate areas)? If so, what strategies can be employed to target such areas?

Perhaps for certain cooling measures like A/C units and Swamp Coolers which could provide a safety margin in extended heatwaves.

4. How can the LIEE application process be simplified to reduce customer confusion during the application process and to reduce the waiting period for LIEE installations?

Some LIEE contractors are currently waiting 20-30 days to get approval on jobs. There is no reason why utilities should not respond within seven days.

As stated in the answer to question 1, the commission should look at the current information that LIEE contractors are gathering for the utilities and see if it is all necessary.

5. How can the LIEE program be modified to reduce the stigma some customers believe is associated with the program? Can documentation requirements be reduced?

We believe if you make it easier for customers to sign up and not ask for so much personal information and documentation, they would be more willing to participate. If the Commission allows the utilities to gather less information, we might have more customers that will take advantage of these programs.

6. How can education and training on the use of programmable thermostats be improved to assure more effective use of these technologies? Are there similar/other educational measures that need to be improved?

The problem with programmable thermostats is unless you are on a set schedule every day where you leave and come home at the same time, it is very difficult to use these thermostats. And someone who is home all day does not necessarily want the temperature to change, so most people override this feature.

7. How can the utilities coordinate their low income programs with those of other regulated utilities and municipal utilities statewide?

The KEMA report emphasizes SMUD and LADWP. Perhaps a task force to meet with those utilities with the goal to integrate, to the extent possible, their efforts with the LIEE. Of course, coordination with LIHEAP is important.

8. How can the utilities redesign their programs to assure that individual households do not receive measures that are not needed and do receive those that are?

Again, the Commission's LIEE program is required to install "all feasible measures" taking into account not only cost effectiveness but hardship, health, safety, comfort and, we suggest, greenhouse gas emission reduction.

9. How can the utilities reduce the cost of locating eligible customers generally, and in particular, in neighborhoods that are remote or not predominantly low income? What are the prospects for joint marketing with other energy efficiency programs and California Alternative Rates for Energy?

The utilities could make all CARE customers eligible for LIEE measures, without providing anymore documentation. The utilities could provide contractors a list of customers by zip codes that are eligible for LIEE. The utilities could gather information from their database of which customers have not received LIEE measures.

10. What other information or recommendations in the KEMA report provide insights about whether and how the utilities could improve LIEE programs?

The KEMA report shows there is a significant untapped potential for LIEE. More low-income families rent than own their home; this is why we should provide full services to renters. In the last several years SCG and SDG&E have had large decreases of participation in their program, all other utilities have increased. The Commission should encourage SEMPRA to fix this problem.

Respectfully submitted,



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October 16, 2007

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the Commission's Rules of Practice and Procedure, that I have this day served a true copy of the "The Joint Opening Comments of the Association of California Community and Energy Services and A W.I.S.H on Natural Gas Testing Issues and Issues Raised in the KEMA Report."

[X] By first class U.S. mail, postage prepaid, to the Administrative Law Judge assigned to this proceeding, to the Assigned Commissioner, and to all parties listed with no e-mail address on the official service list referred to below.

AND

[X] By Electronic Mail – serving the enclosed via e-mail transmission to each person the application lists as being authorized to receive service and to those on the service list of R. 07-01-042 and A. 07-05-010.

Dated at Sacramento, California this 16th day of October, 2007.



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CALIFORNIA PUBLIC UTILITIES COMMISSION

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